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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/720,946	11/24/2003	Donna K. Hodges	BS030352	5269												
7590 Scott P. Zimmerman P.O. Box 3822 Cary, NC 27519		05/18/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">NELSON, FRED A ANN</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3628</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>05/18/2007</td><td>PAPER</td></tr></table>		EXAMINER		NELSON, FRED A ANN		ART UNIT	PAPER NUMBER	3628		MAIL DATE	DELIVERY MODE	05/18/2007	PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/720,946	Applicant(s) HODGES ET AL.	
	Examiner Freda A. Nelson	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to a letter for a patent filed November 23, 2003 in which claims 1–15 were presented for examination. Claims 1-15 are pending.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 03/08/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. A copy of PTO-1449 is attached.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Guilford et al. (US PG Pub. 2002/0087674).

As per claim 1, Guilford et al. discloses a method of providing communications services, comprising the steps of:

receiving a request for communications service, the request for communications service originating from a client communications device and communicated to a service provider of a communications network (paragraph [0017], ;

dynamically ascertaining a preferred scenario of segmentation, dispersion, and

assemblage of electronic data to fulfill the request ([0028],[0045],[0063]-[0064]); and
billing for the communications service (paragraph [0100]).

As per claim 2, Guilford et al. discloses a method according to claim 1, wherein
the step of ascertaining the preferred scenario comprises utilizing another
communications network of another service provider (paragraph [0063]).

As per claim 3, Guilford et al. discloses a method according to claim 1, wherein
the step of ascertaining the preferred scenario comprises dynamically negotiating
amongst other service providers to fulfill the request for communications service
(paragraphs [0013],[0021],[0055]).

As per claim 4, Guilford et al. discloses a method according to claim 1, wherein
the step of ascertaining the preferred scenario comprises accessing a segmentation
profile stored in memory, the segmentation profile containing preferences for preferring
one service provider to another service provider (paragraphs [0021]-[0023]).

As per claim 5, Guilford et al. discloses a method according to claim 1, wherein
the step of ascertaining the preferred scenario comprises accessing a segmentation
profile stored in memory, the segmentation profile containing preferences for preferring
one communications network to another communications network (paragraphs [0021]-

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[0023]).

As per claim 15, Guilford et al. discloses a computer program product, comprising:

a computer-readable medium (paragraph [0023], [0082]-[0083]);

and an Analysis Module stored on the computer-readable medium, the Analysis Module receiving a request for communications service, the request for communications service originating from a client communications device and communicated to a service provider of a communications network, the Analysis Module dynamically ascertaining a preferred scenario of segmentation, dispersion, and assemblage of electronic data to fulfill the request, and the Analysis Module billing for the communications service (paragraph [0023], [0082]-[0083]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guilford et al. (US PG Pub. 2002/0087674).

As per claims 6-7, Guilford et al. do not expressly disclose a method according to claim 1, wherein the step of ascertaining the preferred scenario comprises preferring a highest-rated service provider to provide the communications service; and wherein the step of ascertaining the preferred scenario comprises preferring a highest-rated communications network to provide the communications service.

However, it is old and well known in the business art to select a service provider and/or communications network based on the rating of the service provider.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Guilford et al. to include the feature of selecting a service provider and a communications network based on the rating.

As per claims 8-10, Guilford et al. do not expressly disclose a the step of aggregating billing charges between multiple service providers of multiple communications networks; the step of presenting a single billing statement, the single billing statement aggregating billing charges from another service provider of another communications network; and the step of presenting multiple billing statements from multiple service providers of multiple communications networks.

However, it is old and well known in the business art to aggregate billing charges and providing users of a communications service with single billing statements and multiple billing statements.

As per claims 11-14, Guilford et al. do not expressly disclose a the step of billing a credit card for the communications service; the step of accessing a segmentation profile stored in memory, the segmentation profile containing preferences for billing for the communications service; and accessing a segmentation profile stored in memory, the segmentation profile containing preferences for presenting billing charges from another service provider of another communications network.; and the step of accessing a Service Level Agreement stored in memory, the Service Level Agreement defining preferences for billing for the communications service.

However, it is old and well known in the business art to provide users of communications services the flexibility of selecting a billing preference, such as, credit card/debit card or billing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Guilford et al. to include the feature of billing preferences to provide the users with the convenience of selecting how they want to be billed.

Conclusion

3. The examiner has cited prior art of interest, for example:

1) Daniels (US Patent Number 6,285,871), which discloses a cellular fraud prevention using selective roaming.

2) Engelhart (US Patent Number 6,934,530), which discloses a virtual subscriber network.

3) Hanson (US Patent Number 6,516,194), which discloses a system for controlling and monitoring a wireless roaming call.

4) Malackowski et al. (US Patent Number 5,752,186), which disclose an access free wireless telephony fulfillment service system.

5) Pezutti (US PG Pub. 2004/0249927), which discloses an intelligent network providing network access services (INP-NAS).

6) Tiedemann, Jr. et al. (US Patent Number 5,862,471), which disclose a method and apparatus for providing roaming indication with charge information.

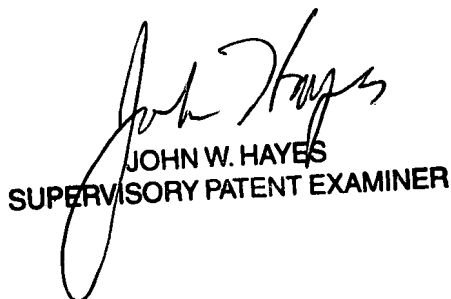
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday, 9:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 05/13/2007

A handwritten signature in cursive script that reads "Freda Nelson".A handwritten signature in cursive script that reads "John W. Hayes".
JOHN W. HAYES
SUPERVISORY PATENT EXAMINER